

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND**

In Re: David W. Wagner

Chapter 7
No. 18-10071

Debtor

**MOTION TO EXTEND TIME FOR FILING COMPLAINT OBJECTING TO
DISCHARGE UNDER 11 U.S.C. § 727**

David Hilderbrand, David Kiderman, Ryan Detzel, Mark Miller, John Hart, Andrew Hatch, Stephen Forden, Edward Stefanides, Chad Decker, Timothy Caver, Barry Keenan, William Koch, Jan Mosholt, Ponce Kenton, Gregory Siuciak, Vince Schuessler and Melissa Fitzpatrick (the "Creditors") hereby move that this Court extend the time for them to file a complaint objecting to the Debtor's discharge under Bankruptcy Code § 727 to July 23, 2018. In support of this motion, the Creditors respectfully state as follows:

1. The Debtor filed his chapter 7 petition, pro se, with this Court on January 17, 2018, and his bankruptcy schedules and statement of financial affairs two weeks later on January 31, 2018.
2. Prior to the Debtor filing his petition, certain of the Creditors had (i) obtained arbitration determinations and awards against the Debtor and others for fraud, among other claims, and (ii) were and remain plaintiffs in a federal district court suit for fraud and other claims against the Debtor. The Creditors will be filing shortly a comprehensive non-dischargeability complaint against the Debtor under Bankruptcy Code § 523, based primarily on those arbitration and federal district court actions and the allegations and findings therein. The Creditors arbitration and federal district court proceedings with the Debtor center around the

Debtor's fraudulent conduct in regard to certain investments made by the Creditors into companies owned and/or controlled by the Debtor, described by one arbitrator earlier this year as "a nationwide Ponzi scheme with an employment twist."

3. On February 22, 2018, the chapter 7 trustee convened the Debtor's § 341 creditor's meeting, which was continued to March 27, 2018 and later further continued to May 23, 2018.

4. On April 11, 2018, the chapter 7 trustee filed a motion to extend to July 23, 2018 the time for filing a complaint objecting to discharge (Docket No. 36), as the trustee was requesting further documentation from the Debtor.

5. In addition, on April 13, 2018, Eric Hassman ("Hassman"), another creditor of the Debtor, filed a motion to extend to July 23, 2018 the time to object to the Debtor's discharge and for non-dischargeability determinations under Bankruptcy Code §§ 727 and 523 (Docket No. 39).

6. The Creditors need additional time to consider the Debtor's testimony at his initial meeting of creditors, attend the continued May 23, 2018 meeting, and review and consider other information in order to determine if they have a sound basis to object to the Debtor's discharge under Bankruptcy Code § 727.

7. This is the Creditors' first request for an extension and there is no prejudice to the Debtor in extending the deadline sought here as Hassman and the Trustee have also requested an extension.

WHEREFORE, the Creditors request that this Court extend the deadline for them to file a complaint objecting to the Debtor's discharge under 11 U.S.C. § 727 until July 23, 2018; and for

such other and further relief as is just.

Creditors
By their Attorneys,

April 20, 2018

/s/ Elizabeth A. Lonardo

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NOTICE

Within fourteen (14) days after service of the foregoing paper, if served electronically, as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bankr. P. 9006(f) if you were served by mail or other excepted means specified, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Bankruptcy Court Clerk's Office, 380 Westminster Street, 6th Floor, Providence, RI 02903, (401) 626-3100. If no such objection or other response is timely filed, the paper will be deemed unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court the interest of justice requires otherwise.

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CERTIFICATE OF SERVICE

I hereby certify that I have this date electronically filed the **MOTION TO EXTEND TIME FOR FILING COMPLAINT TO OBJECT TO DISCHARGE UNDER 11 U.S.C. § 727** in this case with the Clerk of this Court using the CM/ECF System. The following are CM/ECF System participants in this case eligible to receive notice of the filing of such paper(s) electronically:

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I further hereby certify that I have this date served a copy of the above-referenced paper(s) on the following non CM/ECF participants by first class mail, postage prepaid, at the addresses noted below:

David W. Wagner
55 Downing Street
E. Greenwich, RI 02818

April 20, 2018

/s/ Elizabeth A. Lonardo